

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed October 12, 2005. In the Office Action, claims 5-7, 15-17 and 24 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicants have placed objected claims 5, 15 and 24 into independent form. More specifically, independent claim 1 now includes limitations of objected claim 5 as well as intervening claims 2 and 3. Moreover, independent claim 12 has been amended to include limitations of dependent claims 13-15 and independent claim 22 has been amended to include limitation of dependent claims 23-24. Therefore, Applicants respectfully submit that independent claims 1, 12 and 22 and all claims that depending thereon are in condition for allowance.

Double Patenting

Claims 1-8, 12-18 and 22-23 were provisionally rejected under the judicially created doctrine of the obviousness-type double patenting as being allegedly unpatentable over claims 1-26 of copending Application No. 10/717,850. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Applicants respectfully submit a terminal disclaimer to obviate the provisional obviousness-type double patenting rejection and to accelerate allowance of the subject application. Applicants respectfully request that the Examiner withdraw the outstanding obviousness-type double patenting rejection.

Rejection Under 35 U.S.C. § 112

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Applicants have amended claim 4 and respectfully request that the Examiner withdraw the rejection of claim 4 under 35 U.S.C. § 112, second paragraph.

Rejection Under 35 U.S.C. § 102

Claims 1-4, 8-9, 12-14 and 18-19 were rejected under 35 U.S.C. § 102(e). Applicants respectfully traverse the rejection. However, the outstanding § 102(e) rejection is moot based on the placement of objected claims 5, 15 and 24 into independent form as independent claims 1, 12 and 22, respectively. Withdrawal of the outstanding § 102(e) rejections is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 10-11 and 20-21 were rejected under 35 U.S.C. § 103(a). Applicants respectfully traverse the rejection. However, the outstanding § 103(a) rejection is moot based on the effective placement of objected claims 5, 15 and 24 into independent form. Withdrawal of the outstanding § 103(a) rejections is respectfully requested.

Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Susan McFarlane

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